

Indiana Department of Education

Division of Special Education

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	1801.01
COMPLAINT INVESTIGATOR:	Sandie Scudder
DATE OF COMPLAINT:	September 4, 2001
DATE OF REPORT:	October 18, 2001
REQUEST FOR RECONSIDERATION:	yes/revised December 6, 2001
DATE OF CLOSURE:	December 6, 2001

COMPLAINT ISSUES:

Whether the Warrick County School Corporation and the Gibson-Pike-Warrick Special Education Cooperative violated:

- 511 IAC 7-27-7(a) with regard to the school's alleged failure to implement the student's individualized education program (IEP) as written, specifically, failing to provide identified accommodations and modifications.

The letter of complaint was received by the Division of Special Education (Division) on September 4, 2001. However, the letter was inadvertently misplaced and was not assigned until September 17, 2001. In order to allow the complaint investigator sufficient time to investigate the complaint, the Director extended the deadline for the report to October 18, 2001.

FINDINGS OF FACT:

1. The Student is 13 years old, is in the 8th grade, and is eligible for special education services as a student with a learning disability and a communication disorder.
2. The Complainant asserts that the School failed to implement the modifications and adaptations listed in the Student's IEPs for the 2000-2001 and 2001-2002 school years, specifically, failing to reduce assignments and failing to allow "reduced testing."
3. The IEPs for the 2000-2001 school year, dated April 6, 1999, and March 15, 2000, list a number of modifications and accommodations, including reduced assignments and homework. Although each IEP identifies allowing the Student extra time for test taking, neither IEP identifies an accommodation of allowing the Student to answer fewer than all of the test questions or allowing the Student to take fewer tests than other students. In the section of the IEP describing a student's needs related to general education, including other educational needs and/or adaptations, each IEP states: "Classroom teachers may make curricular, testing, and instructional modifications as deemed necessary to assist [the Student] in being successful in the mainstream." The IEP for the 2001-2002 school year, dated September 5 and September 20, 2001, identifies reduced homework and assignments and allowing extra time for tests and homework, but neither indicates that the Student is permitted to answer fewer than all of the questions on a test or be permitted to take fewer tests than other students. The September 5th IEP also includes the statement: "Modifications and/or adaptations can be implemented by the classroom teacher as necessary for [the Student's] success in the general [remainder of sentence is not visible on form]." The parent signed agreement with the

September 5 IEP.

4. The Student's teacher of record provided a copy of the required modifications and accommodations to the Student's classroom teachers in August 2000 and January 2001. The School documented through progress reports that the Student had been allowed extra time to complete homework and assignments and had been offered additional time to complete tests, including the option to retake some of the tests. A review of class/homework assignments revealed that the Student was given reduced assignments and credit for incomplete assignments. The School also reported that, during the 2000-2001 school year, the Student declined offers of modifications and accommodations because of being perceived as different by peers. Notes in the Case Conference report from September 5, 2001, also describe the Student's difficulty in accepting the modifications and adaptations identified to assist him.

CONCLUSION:

Findings of Fact #2, #3, and #4 indicate that identified modifications and accommodations have been implemented in the Student's educational environment in accordance with the Student's IEP. Therefore, no violation of 511-IAC 7-27-7(a) occurred.

DISCUSSION:

It appears that some ambiguity is created when the modifications and/or adaptations are identified in the IEP, but the IEP also includes a statement that seems to indicate that teachers have some discretion in implementing a particular modification or adaptation. The issue of whether modifications and adaptations are to be universally applied or are to be provided only in identified situations is a case conference committee determination. However, the IEP should clearly indicate to both the parent and school personnel how and when identified modifications and adaptations are to be implemented.

The Department of Education, Division of Special Education requires no corrective action based on the Findings of Fact and Conclusions listed above.